IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 35772 of 2007(H)

PETITIONER:

RAGHUNATHAN, AGED 73 YEARS,
S/O GOVINDAN, (RETD. PF COMMISSIONER),
T.C.4/695, KRISHNENDU, KAVADIAR,
THIRUVANANTHAPURAM.

BY ADV. SRI.MANJERI SUNDERRAJ

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO PUBLIC WORKS DEPARTMENT,
GOVERNMENT OF KERALA, SECRETARIAT,
TRIVANDRUM.

2. TRIDA, TRIVANDRUM DEVELOPMENT AUTHORITY,
JAYAMANSION, VAZHUTHACAUD,
SASTHAMANGALAM P.O., TRIVANDRUM-10
REP. BY ITS PRINCIPAL OFFICER,
WHOMSOEVER IT MAY BE.

3. THE CHIEF ENGINEER,
KERALA ROAD FUND BOARD,
PUBLIC OFFICER, TRIVANDRUM.

4. THE DISTRICT COLLECTOR,
TRIVANDRUM.

5. THE SPECIAL TAHSILDAR,
(LA GENERAL), TRIVANDRUM.

BY ADV. SRI.K.A.JALEEL, SC., TRIDA (R2)
BY GOVT. PLEADER SRI.LATHA K.THANKAPPAN (R1, R3 TO5)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

W.P. (C) No. 35772 OF 2007

Dated this the 3rd December, 2007.

J U D G M E N T

Heard the learned counsel appearing for the petitioner, learned Government Pleader and the Standing Counsel for TRIDA.

2. The grievance of the petitioner is that for widening of the Kowdiar-Peroorkada road, initially there was an alignment fixed. Subsequently, that was changed and revised proposal was made, which creates more curves in the road. Petitioner had already filed Ext.P9 representation before the Chairman, TRIDA.

3. The learned Standing Counsel for the TRIDA submits that there is a high level committee, headed by Principal Secretary, PWD, who is authorised to consider the grievance of the land owners who are likely to be affected. So, I am of the view that the writ petition itself can be disposed of with a direction to the Secretary, TRIDA, to place Ext.P9 representation filed by the petitioner before the high level committee to consider and take a decision, in accordance with law, with due notice to the petitioner, as well as the requisitioning

authority. It is open to the petitioner to supplement the petition already filed by making a detailed representation before the Secretary, TRIDA.

In the result, the writ petition is disposed of in the following manner. Petitioner is given permission to file an additional petition before the Secretary, TRIDA, detailing all his objections and grievance regarding the particular acquisition, within two weeks from the date of receipt of a copy of this judgment. On receipt of such representation, the Secretary, TRIDA, shall place that petition along with Ext.P9 filed by the petitioner before the Chairman, TRIDA, before the high level committee. The High Level Committee headed by the Principal Secretary, PWD, shall consider the objections raised by the petitioner, and take a decision, in accordance with law, with due notice to the petitioner and also the requisitioning authority, within two months from the date of receipt of such representation. Until such a decision is taken, petitioner shall not dispossessed from the property stated in this writ petition.

K.PADMANABHAN NAIR,
JUDGE

nj.